



**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING MINUTES
November 15, 2022**

This meeting was opened at 7:05 pm. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:

Councilperson Thomas Diviny
Councilperson Paul Valentine
Supervisor Teresa M. Kenny
Councilperson Brian Donohue

Absent:

Councilperson Jerry Bottari

Also Present:

Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Brendon Carton, IT Department

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

The Town of Orangetown, in partnership with Veterans Angels of Hope, is providing free Thanksgiving dinner bags to all veterans in Orangetown on Saturday, November 19, 2022. Please call the Supervisor's office to reserve your dinner at 845-359-5100 x2293 or email at veteran@orangetown.com.

31st Annual Santa Claus 5K Run on Sunday, December 11, 2022. Please visit orangetown.com to sign up.

MOMENT OF SILENCE

**University of Virginia Football Players:
Devin Chandler, Lavel Davis, Jr. and D'Sean Perry.**

DISCUSSION:

Workshop of Agenda Items

**RESOLUTION NO. 522
OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

RESOLUTION NO. 522 - Continued

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

Summary of Public Comments:

Gerry Goggin, Orangeburg, made comments and gave the Town Board a copy of the Affidavit in Support of Motion to Dismiss and In Opposition to Motion For Preliminary Injunction (Exhibit 11-A-22) sworn by Jane Slavin, Director of OBZPAE, regarding Rockland Cider Works.

**RESOLUTION NO. 523
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 524
CONTINUATION OF PUBLIC HEARING FROM RTBM OF OCTOBER 25, 2022
2023 PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the 2023 Preliminary Budget from October 25, 2022 is hereby continued.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

Summary of Public Comments: None

**RESOLUTION NO. 525
CLOSE PUBLIC HEARING / 2023 PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the 2023 Preliminary Budget is hereby closed.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 526
APPROVE AMENDMENTS / 2023 PRELIMINARY

Amendments / Changes to 2023 Preliminary Budget

<u>Account No.</u>	<u>Account Description</u>	<u>2023 Supervisor</u>	<u>2023 Adopted</u>
A.1410.015	Town Clerk.Appointed Officials	\$ 90,400	\$ 88,400
A.5010.015	Supt of Highways.Appointed Officials	\$ ----	\$ 1,300
A.1410.013	Town Clerk.Seasonal & Part Time	\$ ----	\$ 15,000

Taxes collected in respective funds will be adjusted to reflect approved changes

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and on a roll call was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

<u>Account No.</u>	<u>Account Description</u>	<u>2023 Supervisor</u>	<u>2023 Adopted</u>
B.3120.011.16	Police.Permanent Staff.Police	\$ 12,590,793	\$ 12,701,407
B.9015.800.16	Police Retirement.Fringe Benefits.Police	\$ 4,420,345	\$ 4,440,345
B.9030.800.16	SS / Medicare.Fringe Benefits.Police	\$ 1,055,969	\$ 1,069,868
B.9040.800.16	Workers Compensation.Fringe Benefits.Police	\$ 1,002,615	\$ 1,016,514
B.9060.800.16	Hospitalization.Fringe Benefits.Police	\$ 5,085,370	\$ 5,132,888
B.3599.000.16	Appropriated Fund Balance.Police	\$ 800,000	\$ 1,000,000

Taxes collected in respective funds will be adjusted to reflect approved changes

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and on a roll call was Adopted:

Motion: 4 - 1

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Brian Donohue

Noes: Supervisor Teresa M. Kenny

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 527
APPROVE 2023 PRELIMINARY BUDGET AS AMENDED AS THE 2023 ADOPTED BUDGET

RESOLVED, that the Town Board hereby approves the 2023 Preliminary Budget, as amended, as the 2023 Adopted Budget.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to adjust the fund balance to accommodate these changes, all the while, staying under the levy tax cap.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to make the 2023 Adopted Budget available on the Town's website and file it in the Office of the Town Clerk.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 528
APPROVE ONE YEAR CONTRACT / FIRE PROTECTION SERVICES / BLAUVELT
FIRE PROTECTION DISTRICT / BLAUVELT VOLUNTEER FIRE COMPANY, INC.**

RESOLVED, that the Town Board hereby approves a ONE (1) year contract with the Blauvelt Volunteer Fire Company, Inc. for fire protection services in and throughout the Blauvelt Fire Protection District for calendar year 2023, in the sum of SIX HUNDRED FIFTY-ONE THOUSAND, FOUR HUNDRED AND 00/100 (**\$651,400.00**) DOLLARS, including Workers Compensation insurance and otherwise in accordance with the terms of the Contract incorporated herein by reference.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 529
APPROVE / ONE YEAR CONTRACT FOR LIBRARY SERVICES / ORANGETOWN
LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE
ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN
FREE LIBRARY**

RESOLVED, that the Town Board hereby approves a ONE (1) Year Contract with the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as set forth within the Orangetown Library District (and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012) in the Town for calendar year 2023, as follows:

BLAUVELT: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED FOURTEEN THOUSAND FOUR HUNDRED AND 00/100 (**\$714,400.00**) DOLLARS, with the Blauvelt Free Library to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

ORANGEBURG: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for FIVE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED AND 00/100 (**\$571,200.00**) DOLLARS, with the Orangeburg Library to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference

PALISADES: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for THREE HUNDRED EIGHT-NINE THOUSAND FOUR HUNDRED THREE AND 00/100 (**\$389,403.00**) DOLLARS, with the Palisades Free Library to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

TAPPAN: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED THIRTY THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 (**\$730,715.00**) DOLLARS, with the Tappan Free Library to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the

RESOLUTION NO. 529 - Continued

Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 530

RECOGNIZE THE ORANGETOWN HOUSING AUTHORITY'S APPOINTMENT OF SHARON OGDEN / TENANT REPRESENTATIVE / EFFECTIVE JUNE 23, 2022 THROUGH JUNE 30, 2024

RESOLVED, that the Town Board recognizes the Orangetown Housing Authority's appointment of SHARON OGDEN as a Tenant Representative, effective June 23, 2022 through June 30, 2024, for a two-year term.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 531

AUTHORIZE / ONE-TIME LUMP SUM PAYMENT / FULL TIME AND PART TIME / APPOINTED AND EXCLUDED OFFICIALS

RESOLVED, that the Town Board authorizes a one-time lump sum payment of \$3,000 for full time appointed/excluded officials in lieu of raises in 2021 and 2022. These positions are listed below. For personnel not here for the full 2022, the payment will be pro-rated.

- ASSESSOR
- CONFIDENTIAL ASSISTANT TO SUPERVISOR
- DEPUTY COMMISSIONER
- DEPUTY TOWN CLERK
- DIRECTOR OF BUILDING, ZONING, PLANNING AND ENFORCEMENT
- DIRECTOR OF ECONOMIC DEVELOPMENT & TOURISM
- DIRECTOR OF FINANCE
- HUMAN RESOURCES COORDINATOR
- JUSTICE COURT CLERK
- SECRETARY, PLANNING AND ZONING BOARDS
- SUPERINTENDENT PARKS AND RECREATION
- TOWN ATTORNEY

RESOLVED, that the Town Board authorizes a one-time lump sum payment of \$1,500 for part time appointed/excluded officials in lieu of raises in 2021 and 2022. These positions are listed below. For personnel not here for the full 2022, the payment will be pro-rated.

- DEPUTY TOWN ATTORNEYS
- TOWN CURATOR
- TOWN HISTORIAN

RESOLUTION NO. 531 - Continued

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 532
APPROVE / RETAINER AGREEMENT WITH WILSON ELSER / COLLECTION OF OVERDUE NON-RESIDENT FEES**

RESOLVED, approve the retainer of Wilson Elser, White Plains, New York to provide legal services for the Town in a contractual matter regarding collection of overdue non-resident fees, at the rate of no more than \$250.00 per hour, not to exceed \$20,000 and on the terms and conditions set forth more fully in a proposed Retainer Agreement, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 533
APPROVE ONE YEAR CONTRACT / MANAGED SERVICES PROVIDER SERVICES / VIRTUIT SYSTEMS**

WHEREAS, in accordance with the Town procurement policy, the Town sought and received quotes for professional Information Technology (IT) services from three Managed Service Providers (MSP), and

WHEREAS, the Town has received and reviewed the proposals and finds that the proposal from VirtuIT Systems, Nanuet, New York, provides the level of services necessary to assist the Town with its IT needs at this time,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the retention of the VirtuIT Systems for purposes of providing Managed Services Provider services and IT assistance, with a term commencing November 15, 2022 through November 15, 2023 at the monthly cost of \$7055.00, and that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this resolution, upon review and approval of the Town Attorney's Office.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 534

AWARD BID / ROOF & STRUCTURAL REPAIRS / BLUE HILL RESTAURANT

WHEREAS, the Superintendent of Parks, Recreation & Building Maint. duly advertised for sealed bids for *Blue Hill Restaurant Roof & Structural Repairs*, which were received and publicly opened on October 27, 2022; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-B-22, and made a part of these minutes.

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance award the bid for roofing and structural repairs for the Blue Hill restaurant to Hayden Building Maintenance of West Nyack, NY in the amount of: \$61,750.00, the only qualified bidder.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Hayden Building Maintenance, in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 535

APPROVE / LEND ASSISTANCE/ TAPPAN VETERANS DAY SERVICE

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of message boards, for the Tappan Veterans Day Service to be held on Friday, November 11, 2022 from 11am to 12pm, nunc pro tunc.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 536

APPROVE / LEND ASSISTANCE / 2022 TAPPAN FIRE DEPARTMENT 5K / SUNDAY, NOVEMBER 13

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of Portable Toilets (4 regular units, 1 ADA) for the Tappan Fire Department 5K Run, Sunday, November 13, 2022, nunc pro tunc.

Supervisor Teresa M. Kenny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 537
ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

RESOLVED that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board Meeting minutes: October 11, 2022 Police Commission Meeting; October 11 & 25, 2022, Regular Town Board Meeting; and October 25, 2022 Special Town Board Meeting.
2. Agreement & Contracts:
 - Loberge, Contract/Addendum, S. Nyack Parking Study.
 - Rockland County, LEAD Project Connect (pre-arraignment diversion program).

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 538
PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of **\$1,764,324.37**.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 539
ENTER EXECUTIVE SESSION

In attendance, at this Executive Session were Supervisor Kenny, Councilpersons Tom Diviny, Paul Valentine and Brian Donohue, Denis Troy, Deputy Supervisor, Rob Magrino and Jeff Bencik.

RESOLVED, at 7:34 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 540
RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at 8:05 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of *Robert Beckerle*, Son of Former Orangetown Director of Environmental Management and Engineering, Bob Beckerle and *Tara Kenny*, Resident of Pearl River.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari



Rosanna Sfraga, Town Clerk

1

2

3

Town of Orangetown

DATE: November 15, 2022

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	102722	\$ 28,703.24 utilities
	110422	\$ 64,907.94 utilities
	111522	\$ 1,670,713.19

The above listed claims are approved and ordered paid from the appropriations indicated.

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

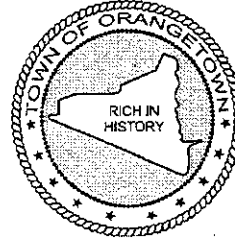
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 11/10/2022
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 11/15/2022 consists of 3 warrants for a total of \$1,764,324.37.

The first warrant had 26 vouchers for \$28,703 and was for utilities.

The second warrant had 10 vouchers for \$64,907 and was for utilities.

The third warrant had 237 vouchers for \$1,670,713 and had the following items of interest.

1. Applied Business Systems (p6) - \$9,107 for tax bill postage.
2. Applied Golf (p7) - \$128,608 for Blue Hill golf contract.
3. Applied Golf (p7) - \$51,219 for Broadacres golf contract.
4. Beckerle Lumber Supply (p13) - \$5,988 for materials.
5. Beckmann Appraisals (p14) - \$5,000 for tax certiorari defense.
6. Environmental Design & Research (p22) - \$10,825 for engineering for PS improvement (bonded).
7. Fanshawe (p24) - \$75,382 for new town hall electrical (bonded).
8. Global Montello (p26) - \$43,674 for fuel.
9. HO Penn Machinery Co. (p29) - \$13,579 for repair of mobile generator.
10. JP Morgan Equipment Finance (p32) - \$53,828 for Energy performance contract.
11. Joe Lombardo Plumbing & Heating (p36) - \$103,441 for new town hall plumbing (bonded).
12. Ken's Tree Care (p38) - \$7,812 for tree work townwide.
13. Kuehne Chemical Co. (p39) - \$7,973 for sewer chemicals.
14. Met Life (p42) - \$10,312 for Police dental benefits.
15. Nelson Pope (p43) - \$8,900 for splash pad drainage design.

16. RCSWMA (p55) - \$7,012 for compactor rental.
17. S&L Plumbing & Heating (p58) - \$35,150 for new town hall HVAC (bonded).
18. Southland Electrical Supply (p62) - \$10,789 for Nyack PS repairs.
19. Sport-Tech Construction (p62) - \$56,620 for pickle ball court renovation (bonded).
20. State Comptroller (p64) - \$30,408 for Justice Fines.
21. Tilcon NY (p68) - \$20,868 for Highway materials.
22. Vanas Construction (p72) - \$495,873 for GC on new town hall project (bonded).
23. Verde Electric (p77) - \$160,798 for new traffic signals (bonded).
24. WSG & Solutions (p79) - \$9,936 for bar rack equipment sewer.
25. Zarin & Steinmetz (p84) - \$8,811 for HNA project (reimbursed).

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204

EXHIBIT
11-A-22; 11/15/22

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
In the Matter of the Application of
ROCKLAND CIDER WORKS, LLC, and VAN
HOUTEN FARM MARKET BENEFIT TRUST,

Petitioners/Plaintiffs,

For a Judgment Pursuant to Article 78 of the CPLR
and Declaratory Judgment Pursuant to CPLR §
3001,

-against-

TOWN OF ORANGETOWN, TOWN OF
ORANGETOWN OFFICE OF BUILDING,
ZONING, PLANNING, ADMINISTRATION
AND ENFORCEMENT, and JANE SLAVIN in
her official capacity as Director of the Town of
Orangetown Office of Building, Zoning, Planning,
Administration, and Enforcement,

Respondents/Defendants.

----- X
STATE OF NEW YORK)
) SS:
COUNTY OF ROCKLAND)

**AFFIDAVIT IN SUPPORT OF
MOTION TO DISMISS AND
IN OPPOSITION TO MOTION
FOR PRELIMINARY
INJUNCTION**

Index No. 030197/2022

Assigned to:

Hon. Robert M. Berliner, J.S.C.

JANE SLAVIN, AIA, being duly sworn, deposes and says:

1. I am the Director of the Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement (“OBZPAE”), a Respondent/Defendant in the above-captioned proceeding. I am also named as a Respondent/Defendant in this proceeding, in my capacity as the Director of OBZPAE.¹

2. I make and submit this affidavit in (a) support of Town Respondents’ motion to dismiss this proceeding and (b) opposition to the motion of Petitioners/Plaintiffs

¹ I, together with Respondents/Defendants Town of Orangetown and OBZPAE, are referred to in this affidavit collectively as “Town Respondents.”

Rockland Cider Works, LLC (“RCW”) and Van Houten Farm Market Benefit Trust (the “Trust”)² for a preliminary injunction. The requested injunctive relief would prohibit Town Respondents from (a) taking action against Petitioners based upon a Notice to Stop Work issued by OBZPAE on September 15, 2021 (the “September 15th NSW”), (b) “communicating with any governmental agency, making any statements to the media, or via social media” based upon the September 15th NSW or the Code of the Town Orangetown in matters pertaining to RCW’s operation of a cidery upon premises owned by the Trust and (c) “disturbing in any manner the possession and rights of Petitioners in and to” the Trust’s property.

3. I have personal knowledge of the facts recited in this affidavit through the discharge of my duties as the Director of OBZPAE and a review of documents and files maintained by OBZPAE.

MY CREDENTIALS AND OBZPAE DUTIES

4. I have served as the Director of OBZPAE since October 2017.

5. Prior to holding this position, I was a principal of JSA Architecture and Design Group, LLC, a full-service architectural practice located in Blauvelt, New York. I am a licensed and registered architect in both the State of New York and the State of New Jersey since 1996 and a Member of the American Institute of Architects.

6. OBZPAE serves multiple functions, all related to the development, improvement, and use of properties within the Town of Orangetown, as well as

² RCW and the Trust are referred to in this affidavit collectively as “Petitioners.”

enforcement of the provisions of the Town Code pertaining to land use, development, building construction and fire prevention safety standards.

7. OBZPAE is charged with local administration and enforcement of Chapter 43, Zoning, of the Town Code (the "Zoning Code"), the New York State Uniform Fire Prevention and Building Code (the "State Fire and Building Code") and the New York State Energy Conservation Construction Code.

8. As OBZPAE Director, I serve as the Building Inspector of the Town of Orangetown. I am assisted by a Deputy Building Inspector, Rick Oliver, and Assistant Building Inspectors Michael Acheson, Glenn Maier, Mike Manzare, Domenic Miano and Kenneth Loudon. In this capacity, I, together with Messrs. Oliver, Acheson, Maier, Manzare, Miano and Loudon are tasked with multiple responsibilities, including building permit plan review (to confirm local and state code compliance), the issuance of building permits, oversight and inspection of construction and land development activities and the issuance of certificates of occupancy.

9. As OBZPAE Director, I also serve as the Code Enforcement Officer of the Town of Clarkstown. I am assisted by the Deputy and Assistant Building Inspectors, as well as Code Enforcement Officer II Christian Catania. In this role, I and OBZPAE staff oversee and monitor building construction and land development to ensure code and land use approval compliance. We also respond to complaints pertaining to the use of properties, construction-related activities and building and fire safety. When responding to complaints, OBZPAE conducts site investigations and determines if activity is taking place in violation of the Zoning Code and/or the State Fire and Building Code.

10. I have received and maintained certification by New York State as a Code Enforcement Official. The initial certification requires the successful completion of several courses administered by the New York State Department of State, as well as an examination at the conclusion of each course. I have maintained my certification as a Code Enforcement Official by completing 24 hours of training each year.

**THE DECLARATORY AND INJUNCTIVE RELIEF SOUGHT BY
PETITIONERS IS UNWARRANTED**

11. Petitioners ask this Court for a judicial declaration that RCW's operation of a cidery upon the Trust's property is permitted under the Zoning Code (as part of an "agricultural operation"). Specifically, they seek an interpretation of the Zoning Code's provisions to countenance the operation of a cidery, including on-site consumption and associated services and activities (such as the provision of food and entertainment), upon the Trust's property.

12. Petitioners, however, do so in the absence of first seeking such an interpretation from the Zoning Board of Appeals of the Town of Orangetown (the "ZBA").

13. The ZBA is a five-person board established and empowered under the §§267, 267-a, 267-b and 267-c of the Town Law of the State of New York and §43.10.3 of the Zoning Code.

14. Under §267-b of the Town Law, the ZBA hears appeals from "orders, requirements, decisions, interpretations, determinations" rendered by local code enforcement officers and "may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from." Indeed, §267-b vests the ZBA with the appellate authority to "make such order, requirement, decision,

interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.”

15. Petitioners have not pursued relief from the ZBA concerning the cidery operations conducted upon the Trust’s property. As set forth below, there have been clear determinations issued by OBZPAE – made in the discharge of its administrative functions – that could have been appealed to the ZBA. These determinations set forth an interpretation reached by OBZPAE staff that the cidery operations are, in fact, not permitted on the Trust’s property due to Zoning Code restrictions.

16. I submit that, in the absence of seeking this administrative relief from the ZBA, the Court should not entertain Petitioner’s claims seeking a judicial declaration that leapfrogs over the ZBA and the important role it plays in reviewing determinations and orders issued by OBZPAE. As a result, this proceeding should be dismissed on account of Petitioner’s failure to pursue this administrative remedy.

17. Petitioners further seek, on an interim basis, a prohibitive restraint upon the discharge of OBZPAE’s duties relating to the Trust’s property. This includes Petitioners’ application for an order precluding Town Respondents from “disturbing in any manner the possession and rights of Petitioners in and to” the Trust’s property. Such a far-reaching restraint could bar OBZPAE from enforcing the Zoning Code and/or the State

Fire and Building Code's provisions in response to life safety conditions found, and activities undertaken upon, the Trust property.

18. In this regard, OBZPAE has identified violations of the Zoning Code and State Fire and Building Code arising from the use, placement and construction of improvements upon the Trust's property. This property has been utilized and improved without obtaining site development plan approval (issued by the Planning Board of the Town of Orangetown), as required under §21A-4 of the Zoning Code. Structures on the property are also utilized for beverage and food consumption (including the seating of patrons) in the absence of building permits and/or certificates of occupancy. Lastly, electrical work has been performed within buildings on the property without required permits. These deficiencies are detailed below and in the accompanying affidavits of Messrs. Oliver, Acheson and Catania.

19. RCW has, in fact, pled guilty to utilizing buildings on the property without a certificate of occupancy in violation of §43-10.231 of the Zoning Code. This plea is confirmed by the Certificate of Conviction dated August 13, 2021 entered in the Justice Court of the Town of Orangetown (the "Town Justice Court"), a copy of which is annexed hereto as Exhibit "A."

20. Under these circumstances, OBZPAE's hands should not be tied by way of the injunctive relief urged by Petitioners. While Petitioners have the right to use the Trust property for their purposes, they are required to do so in a manner consistent with the Zoning Code and State Fire and Building Code. Adherence to these requirements is particularly imperative with respect to the use of structures where RCW's customers are

invited to congregate. These structures are not certified for occupancy and contain unpermitted and un-inspected electrical work. In sum, the interests of public safety are paramount and should not be subverted through the requested preliminary injunctive relief.

THE TRUST PREMISES

19. Upon information and belief, the Trust is the owner of a 7.1 acre parcel of property located alongside Sickletown and Blauvelt Roads in the Town of Orangetown. The parcel is identified as Section 69.19, Block 1, Lot 6 on the Orangetown Tax Map and depicted on the plan attached hereto as Exhibit "B."

20. The Trust's property is improved with multiple structures, which accommodate varying uses. The property is the site of a single-family dwelling utilized for residential purposes. The property is also improved by a frame building, accompanied by greenhouse style structures, which have been utilized as the site of a plant nursery/farm stand for many years. Finally, the property contains equestrian facilities in the form of a paddock, tented and outdoor riding rings, and a building housing stables and offices.

21. Certain of these site improvements have been the subject of building permits and certificates of occupancy issued by the Town of Orangetown over the years. I have annexed hereto, as Exhibit "C" a schedule maintained by OBZPAE identifying various submissions, permits and certificates of occupancy issued for improvements upon the Trust's property. The entries date back to 1958 and specify that certain buildings and improvements have obtained requisite permits and certificates of occupancy. The last such improvement to be permitted was the covered horse-riding ring, which received OBZPAE approvals in September 2012.

22. In October 2020, OBZPAE received complaints relating to activities conducted on the Trust property. These were related to OBZPAE by the Orangetown Police Department (“OPD”), which had received noise complaints from Town residents.

23. Mr. Oliver, as the Deputy Building Inspector, visited the Trust property in response to these complaints. Once there, Mr. Oliver observed cidery operations were underway and involved these on-site activities. Mr. Oliver observed that the cidery operations entailed the congregation of customers into greenhouse structures for which certificates of occupancy had not been issued.

24. As detailed in Mr. Oliver’s accompanying affidavit, he discussed the use of the Trust’s property and these structures with representatives of RCW and the Trust.

25. Mr. Oliver’s observations led to the initiation of proceedings in the Town Justice Court, in which the guilty plea referenced in paragraph “19” above was entered. Again, RCW pled guilty to a charge of utilizing a structure without a certificate of occupancy. (Exh. A).

RCW’s BUILDING PERMIT SUBMISSION

26. I became directly involved in this matter in late 2019. At the outset, I was concerned that the Trust’s property had been improved, and was the site of commercial operations, for which no site development plan approval had been obtained from the Planning Board and was underway in structures lacking certification for use and occupancy.

27. Section 21A-4A of the Zoning Code provides that building permits and certificates of occupancy shall only be issued for commercial structures “in conformity with a site development plan approved by the Planning Board.” Moreover §21A-4B of the

Zoning Code states that “[a]pproval of a site plan by the Planning Board is required for the development or redevelopment of any property or structure for a new use, the expansion or relocation of any existing use, or a change of use.”

28. The Trust’s property, and the structures in which RCW’s cidery operations were undertaken, were not the subject of such an approved site development plan.

29. I was further concerned that many of the structures on the Trust’s property had not obtained certificates of occupancy, as borne out by OBZPAE records. (Exh. C).

30. I was involved in a series of conversations with RCW’s attorneys and representatives pertaining to these issues. To address these deficiencies, RCW submitted a building permit application to OBZPAE on April 30, 2021. A copy of this permit application, and accompanying documentation, is annexed hereto as Exhibit “D”.

31. The submission of an application for a building permit is the first step taken when approvals for the improvement of property are sought. When a building permit application is received by OBZPAE it is first assigned to Deputy Building Inspector Oliver for compliance with Town Code.

32. The building permit application is then assigned to an Assistant Building Inspector who then evaluates the permit application for consistency with the State Fire and Building Code.

33. If a permit cannot be granted on account of an absence of an improved site development plan, it is denied and referred to the Orangetown Planning Board.

34. Similarly, if the permit proposes elements that do not comply with the Zoning Code, it is denied with a notification to appeal OBZPAE’s determination to the ZBA.

35. RCW's application was vetted and disposed of in this way. It was first reviewed by Deputy Building Inspector Oliver, who served as the inspector tasked with initial review. (Exh. D, p. 1). Once Mr. Oliver reviewed the application, it was referred to me for final disposition.

36. After this review process was completed, RCW's application was denied because (1) a site development plan had not been issued by the Planning Board with respect to uses being conducted on the Trust's property and (2) it involved uses determined to be non-conforming with governing use restrictions in the Zoning Code.

37. The basis for denial is noted, in handwritten form, at the bottom of page 1 of this permit application. There, Mr. Oliver determined:

Chapter 21, § 20-A-4 requires site plan approval by Planning Board. Chapter 43, Table 3.11 Column R-40, Column 2 Uses by Right, Column 5 Accessory Uses. "Retail Sales or Restaurant" not "use" or "accessory use" by right. Use variance required. (*Id.*)

38. Mr. Oliver initialed this portion of the application with the date "6-21-21". I then reviewed the application and likewise affixed my initials on June 30, 2021. (*Id.*)

39. Once this application was denied, OBZPAE issued two (2) documents to RCW. The first document was a referral to the Planning Board, which was likewise signed by Mr. Oliver on June 21, 2021 and countersigned by me, as OBZPAE Director on June 30, 2021. (*Id.*, p. 4). The second document was labeled "Denial to the Zoning Board of Appeals", which Mr. Oliver signed on June 21, 2021 and I countersigned on June 30, 2021. (*Id.*, p. 5).

40. The building permit denial was then forwarded to RCW's representative, Brian Quinn, Esq. of Bleakley Platt & Schmidt LLP and Jay Greenwell, a project surveyor.

41. The building permit denial unequivocally set forth OBZPAE's determination concerning the propriety of the cidery operations conducted on the Trust's property. I, as OBZPAE Director, and Mr. Oliver, as Deputy Building Inspector, determined that the cidery's sale and restaurant-style operations did not fall within those uses permitted in the R-40 District (in which the Trust's property is located).

42. I have annexed hereto, as Exhibit "E" the Table of Use Regulations cited in the building permit denial. Uses permitted include a "commercial agricultural operation", including "[n]urseries, greenhouses and growing of mushrooms..." and "orchards, truck, gardening and growing of field crops and vineyards and growing of other bush and berry crops".

43. Mr. Oliver and I concluded these uses do not embrace a restaurant/bar-type operation, in which patrons are invited to assemble, be seated and order and consume food and drink (including hard cider). We further concluded these uses do not embrace the provision of entertainment for such patrons while onsite.

44. The Table of Use Regulations also lists accessory uses permitted under the Zoning Code, which include "buildings for display and sale of agricultural products, at least 50% of which shall be grown by the owner or lessee of the premises...". Here, too, we drew the conclusion that the sale of hard cider for on-site consumption, together with food services and entertainment was not permitted. Furthermore, this accessory use requires that at least 50% of the agricultural products sold "are grown by the owner or lessee of the

premises.” Yet, RCW does not, upon information and belief, grow 50% of the apples from which its cider is produced.

45. OBZPAE determined the cidery operations conducted by RCW on the Trust’s property were not permitted as of right. This determination, clearly articulated in the building permit denial, has not been appealed by RCW or the Trust to the ZBA.

46. Moreover, the propriety of OBZPAE’s determination was underscored when Petitioners, as they acknowledge, petitioned the Orangetown Town Board for zoning amendments that would allow cidery operations on the Trust’s property. When this occurred, the zoning petitioner was referred to the Rockland County Planning Department (“RC Planning”) as required under State law. In response, RC Planning issued recommendations in a November 19, 2021 letter, a copy of which is annexed hereto as Exhibit “F.” In this letter, RC Planning stated “. . . a proposed zoning amendment has been submitted to the Town Board to allow cider production and sale to continue . . . A zoning amendment is the appropriate method to legalize the existing structures and must occur before a site plan is reviewed by the Planning Board.” (Exh. F, p. 1).

STOP WORK ORDERS AND ENFORCEMENT ACTIONS

46. OBZPAE continued to be involved with the Trust property in the wake of the building permit denial. In August 2021, OBZPAE received several complaints regarding work and activities that were occurring on the property.

47. In response, on August 13, 2021, Code Enforcement Officer Catania was dispatched to the Trust’s property. Once there, he observed bartenders occupying an accessory structure that had a tap dispenser. A stage had been constructed on the property

and tables were set up in an existing greenhouse building with a bar constructed of wooden pallets. Mr. Catania's observations are further detailed in his accompanying affidavit. These structures are shown on the plan annexed hereto at Exhibit "B."

48. A few days later, on August 19, 2021, another complaint was received and Mr. Catania was again dispatched to the Trust's property. Again, he observed a bartender in the same accessory structure, as well as several people drinking hard cider.

49. Based on these observations and a review of OBZPAE records, violations dated August 18, 2021 and August 20, 2021, returnable in the Town Justice Court, were filed against Rockland Cider Works, LLC, Darin J. Van Houten, Elisabeth C. Van Houten and James B. Van Houten.

50. The violations allege §§43-10.221 and 10.231 of the Town Code has been violated in that "no building permits have been issued for any of the [observed uses], alterations, and construction and that no certificate of occupancy has been issued for any of the [observed uses], changed uses, alterations, and construction to the buildings, structures and non-building uses at the above premises." Section 43-10.221 of the Town Code requires a permit for "all building uses, alterations and construction" and also for changes in the operator or proprietor of a commercial or business use. Section 43-10.231 of the Town Code requires a certificate of occupancy for the (i) use or occupancy of a new or altered building or structure, or a new use of a building or land, and (ii) any change in the use or type of occupancy of an existing building or a change in the use of land.

51. Neither RCW, nor the Trust, appealed to the ZBA the determinations set forth in the violations, despite the recitation that the use of the Trust's property was

determined to be in violation of the Zoning Code for lack of the appropriate permits and certificates of occupancy.

52. On August 23, 2021, OBZPAE received yet another complaint regarding the Trust's property. The complaint alleged work was being performed on the Trust's property without the appropriate permits.

53. In response, Mr. Acheson was dispatched to the Trust's property. Once there, he observed that electrical work was being conducted without a permit in the building labeled on the annexed plan as "Metal Bldg" in the space marked "cider production area." (Exh. "B"). The other portions of the "Metal Bldg" are labeled "stable" and "stable office."

54. Specifically, Mr. Acheson observed the installation of electrical equipment with power ties made directly to an electrical panel. These are detailed in his accompanying affidavit.

55. As a result, Mr. Acheson issued a Stop Work Order on August 23, 2021. This Stop Work Order was precipitated solely by the undertaking of electrical work in the cider production area without proper oversight and permitting in violation of the Town Code and State Fire and Building Code.

56. Thereafter, in September 2021, OBZPAE received another complaint. As before, the complaint involved the undertaking of work on the Trust's property without a permit.

57. When this complaint was received, Mr. Catania was sent to the Trust's property to investigate. Upon arriving, he observed a heating, ventilation, and air conditioning ("HVAC") contractor on-site along with the installation of new equipment

including a compressor and what appeared to be cider fermentation tanks in the same metal accessory building containing the hard cider production facility. Further details concerning Mr. Catania's observations are set forth in his accompanying affidavit. His observations resulted in the issuance of a Stop Work Order.

58. Mr. Catania's observations and review of OBZPAE records also led to the issuance of a letter to Mr. Darin Van Houten entitled "Notice of Stop Work" dated September 15, 2021. The Notice of Stop Work advised Mr. Van Houten that the operation of a cidery, or the use of the new or altered structures, is a violation of the Town Code because permits are required for (i) the use of the property as a cidery, and (ii) the construction of new structures or alteration of existing structures, as well as the installation of new equipment.

59. To date, the Van Houtens have not secured the required permits, certificates of occupancy and approvals for work performed at the Trust's property including electrical, HVAC, construction and alterations, or for the change in use to allow for the operation of a cidery.

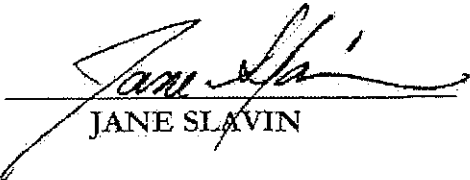
60. Further, no appeal was ever taken to the ZBA contesting the conclusion set forth in the October 16, 2020 Violation, August 13, 2021 Violation Notice, August 18 and 20, 2021 Violations, or the September 15, 2021 Notice of Stop Work. Again, OBZPAE expressed its determination that the operation of a cidery on the Trust's property was in violation of the requirements in the Zoning Code for the issuance of permits, certificates of occupancy and approvals for (i) construction of new buildings and structures, (ii) alterations

of existing buildings and structures, including electrical and HVAC work, and (ii) the change of use to a cidery operated by RCW.

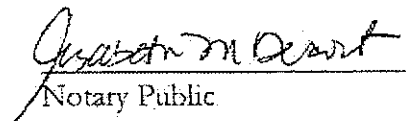
61. Nor was an appeal ever taken to the ZBA contesting the conclusion set forth in the June 30, 2021 Building Permit Denial that operation of the cidery on the Trust's property was not a permitted use pursuant to the governing zoning restrictions.

CONCLUSION

62. For the reasons set forth above, Respondents' motion to dismiss should be granted and Petitioners' motion for a preliminary injunction denied.


JANE SLAVIN

Sworn to before me this
19th day of May, 2022


Notary Public

ELIZABETH M DECORT
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6295815
Qualified in Rockland County
Commission Expires January 13, 2026

CERTIFICATE OF WORD COUNT

Index No. 030197/2022

Case Name: ROCKLAND CIDER WORKS, LLC and VAN HOUTEN FARM MARKET BENEFIT TRUST v. TOWN OF ORANGETOWN, TOWN OF ORANGETOWN OFFICE OF BUILDING, ZONING, PLANNING, ADMINISTRATION AND ENFORCEMENT, and JANE SLAVIN, in her official capacity as Director of the Town of Orangetown Office of Building, Zoning, Planning, Administration, and Enforcement

Document Title: AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS AND IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 202.8-b of the Uniform Civil Rules for the Supreme Court and the County Court, I certify that the accompanying Affidavit in Support of Motion to Dismiss and in Opposition to Motion for Preliminary Injunction, which was prepared using Garamond 13-point typeface, contains 3,925 words, excluding the parts of the document that are exempted by Rule 202.8-b(b). This certificate was prepared in reliance on the word-count function of the word-processing system (Microsoft Word) used to prepare this document.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: White Plains, New York
May 20, 2022

/s/ Judson K. Siebert

Judson K. Siebert
Keane & Beane, P.C.
Attorneys for Respondents/Defendants
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

EXHIBIT

11-6-22 11/15/22

STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 7th day, October, 2022, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

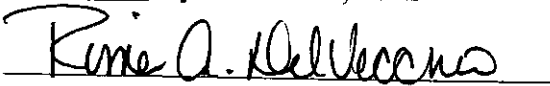
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 7th day of October, 2022



RIMA A. DELVECCHIO
Notary Public, State of New York
No. 01DE622835
Qualified in Rockland County
My Commission Expires June 1, 2026

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town of Orangetown, at the office of the Town Clerk, Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, until 10:30AM on Thursday, October 27, 2022, and then be publicly opened and read aloud at 11:00AM.

Copies of the Specifications, Bid Blanks and all necessary information may be obtained at the Office of the Town Clerk, between the hours of 9:00AM and 5:00PM, Monday through Friday. Bids must be submitted on official forms and in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder, and the words "**Blue Hill Restaurant Roof Repair**".

All proposals must be accompanied by a Statement of Non-Collusion in conformity with the requirements of Section 103-d of the General Municipal Law, as amended, and security in a sum equal to the five percent (5%) of the amount proposed.

Simultaneously with its delivery of the executed Agreement, the Contractor shall furnish to the Owner two (2) executed bonds in an amount at least equal to one hundred percent (100%) of the Contract Price, as security for faithful performance (Performance Bond) of this Contract and the for payment of all persons performing labor on the project under this Contract and for the payment of all persons performing labor and furnishing materials (Payment Bond) in connection with this Contract, in such form as acceptable to the Town Attorney and by a surety company authorized to transact business in the State of New York.

The Contractor shall furnish to the Owner a Maintenance Bond in the amount of one percent (1%) of the amount of the Contract, prior to final payment and executed by the Contractor as principle and having surety thereon a surety company acceptable to the Owner guaranteeing that the Contractor will either repair any work found to be defective or if it has been rejected by the Owner, remove it from the site and replace it at no additional cost to the Owner. The bond shall remain in effect for a period of one (1) year from the date of substantial completion.

The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

For interested bidders, you can arrange a pre-bid walkthrough by contacting the Office of Parks and Recreation, Veterans Memorial Park, 81 Hunt Road, Orangeburg, New York.

Proposals are requested from any and all parties including but not limited to minority businesses and enterprises operated and conducted by women.

The Town reserves the right to reject any and/or all proposals.

Dated: October 12, 2022

ARIC T. GORTON
Director
Office of Parks and Recreation
81 Hunt Rd.
Orangeburg, NY 10962
(845) 359-6503
agorton@orangetown.com

ROSANNA SFRAGA
Town Clerk



**AFFIDAVIT OF PUBLICATION
FROM**

State of Wisconsin

County of Brown, ss.:

On the 17 day of November in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared N Heyman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

N Heyman being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the editions dated below:

Zone:
Rockland

Edition Dates:
10/11/2022

N Heyman
Signature

Sworn to before me, this 17 day of November, 2022

Shelly Hora
Notary Public, State of Wisconsin, County of Brown

11-25-23
My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blaauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005443828

SHELLY HORA
Notary Public
State of Wisconsin

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Dated: October 12, 2022

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ROSANNA SFRAGA
Town Clerk
0005443828

